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Region 2 News Clips

Gardener State: July in NJ — Have a say in the Delaware Estuary plan, and taste blueberries (MY CENTRAL JERSEY; July 19, 2018)

The Department of Environmental Protection is encouraging the public to provide input on revisions to the Delaware Estuary Program's Comprehensive Conservation and Management Plan for the Delaware Estuary, a road map that will guide regional conservation and water-quality enhancement decisions for the coming decade.

Invasive plant pest spotted lanternfly has arrived in NJ (PRESS OF ATLANTIC CITY; July 18, 2018)

The spotted lanternfly, an Asian pest that attacks grapevines, fruit trees and other nursery plants, has arrived in New Jersey from its stronghold in eastern Pennsylvania.

115,100 gallons of untreated waste spilled into Hudson River (POUGKEEPSIE JOURNAL; July 18, 2018)

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Oyster Creek meeting draws more than 100 attendees (ASBURY PARK PRESS; July 18, 2018)

With Oyster Creek nuclear power plant's shutdown merely months away, more than 100 attendees came to the Lacey Community Center on Tuesday to pose questions to nuclear regulators about the plant's — and the township's — future.

PCB-Contaminated Stream Near Dewey Loeffel Landfill To Be Remediated (WAMC NEWS; July 18, 2018)

Work will begin this summer as part of ongoing remediation efforts at a contaminated landfill in Rensselaer County. WAMC's Southern Adirondack Bureau Chief Lucas Willard reports officials with the U.S. Environmental Protection Agency provided an update in the Town of Nassau Tuesday night.

Illegal dumping scheme put debris in parks, backyards, officials say (NEWSDAY; July 18, 2018)

An undercover operation that netted dozens of arrests for illegal dumping Tuesday centered on a self-proclaimed dirt broker who offered residents clean fill and instead arranged for debris and solid waste to be placed on their properties, Suffolk County District Attorney Timothy Sini said.

Gillibrand pushes increased funding to clean up contaminated water systems (MID-HUDSON NEWS; July 18, 2018)

A bill in the US Senate that would increase funding for small and disadvantaged communities to clean up water contamination in their local systems has the support of Senator Kirsten Gillibrand (D, NY).

It Was Once a Superfund Site, Now It's a Solar Farm (NJ SPOTLIGHT; July 18, 2018)

When Gov. Phil Murphy signed an ambitious law to ramp up the state's reliance on renewable energy this spring, he chose to do so at a former Superfund site that is being converted to a solar farm.

PR & USVI

Refinery's environmental legacy could ensnare the future (VIRGIN ISLAND DAILY NEWS; July 17, 2018)

Contract documents and U.S. Environmental Protection Agency records offer a glimpse into how lingering environmental issues at a St. Croix refinery could be handled if refining resumes.

[Former Puerto Rico power company chairman named executive director \(CARIBBEAN BUSINESS; July 18, 2018\)](#)

Gov. Ricardo Rosselló announced Wednesday the appointment of José Ortiz to head the Puerto Rico Electric Power Authority (Prepa).

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Region 2 News

MY CENTRAL JERSEY

Gardener State: July in NJ — Have a say in the Delaware Estuary plan, and taste blueberries

By Nicholas Polanin

July 19, 2018

The Department of Environmental Protection is encouraging the public to provide input on revisions to the Delaware Estuary Program's Comprehensive Conservation and Management Plan for the Delaware Estuary, a road map that will guide regional conservation and water-quality enhancement decisions for the coming decade.

The comprehensive management plan serves as the guide for the work that New Jersey, Pennsylvania and Delaware — along with other federal, regional, state and local partners — will implement to enhance the estuary. It will also steer how federal National Estuary Program funds will be used.

"The Delaware estuary region is recognized across the globe for its ecological diversity — in particular its importance as a migratory stopover for shorebirds, hawks and eagles, even butterflies and dragonflies," DEP Commissioner Catherine R. McCabe said. "It is important for the public to help shape the long-term direction for protecting this critical and unique natural resource."

"We are grateful for the hundreds of people who have provided input and ideas for revising this plan so far," said Jennifer Adkins, executive director of Partnership for the Delaware Estuary, the non-profit organization responsible for leading efforts to revise the plan and oversee its implementation.

The public may submit comments through Friday, July 20, by visiting www.delawareestuary.org/our-plan/.

The Delaware Estuary Program, one of 28 National Estuary Programs administered through the U.S. Environmental Protection Agency, includes the Delaware Bay and tidal portions of the Delaware River from Trenton to the mouth of the bay, and tributaries.

This is the first time the comprehensive plan has been updated since 1996, when it was adopted and became the cornerstone of partnerships to balance the economic roles of the estuary while enhancing protection of its aesthetic, recreational and ecosystem values.

The goal of the plan is to develop estuary improvements to benefit millions of people in the tristate region. Ongoing public education, outreach and stakeholder involvement are key elements of the plan. The proposed comprehensive management plan includes strategies for protecting and enhancing water quality by focusing on reducing pollution and ensuring plentiful water for the future. Strategies for healthy habitats focus on sustaining wetlands, forests, and shellfish.

The plan also seeks to build strong communities through strategies aimed at improving public access and resilience, ensuring environmental justice, and engaging the public as environmental stewards.

The region is perhaps most famous as a key feeding stopover for huge flocks of shorebirds that each spring pass through the area on their way north to breeding grounds, a phenomenon that depends on healthy populations of horseshoe crabs whose eggs provide a vital food source for these birds. The estuary is also an important hub of economic activity as a major shipping route for ports in the Philadelphia and Camden areas.

Estuaries are vital to people, who rely on them for drinking water, industry, food production and recreation. Estuaries are lined with vital wetlands that filter stormwater runoff from the land.

Over the decades, the DEP has been actively engaged in preserving tens of thousands of acres of sensitive marshes, meadows and forests in the watershed and is involved in extensive biological and water-quality monitoring for the region.

The DEP has also taken strong steps to protect water quality, worked to assess the impacts of sea-level rise, helped restore the vitality of the region's oyster industry and water-based resource culture, conducted extensive research into the role the estuary plays in wildlife migrations, restored degraded wetlands, and identified and addressed impacts from stormwater runoff.

New Jersey is also a partner in two other National Estuary Programs — the New York/New Jersey Harbor Estuary Program and the Barnegat Bay Estuary Program. Both these programs are also in the process of updating their comprehensive management plans.

Additional information about the EPA's National Estuary Programs can be found at: www.epa.gov/nep.

Blueberry Month!

New Jersey Secretary of Agriculture Douglas H. Fisher wants to remind everyone that July is National Blueberry Month. "Blueberries are one of the mainstays in Jersey Fresh produce and growers all around the state help make New Jersey famous for growing blueberries," Fisher said. "Hammonton has long been known as the blueberry capital of the world for good reason. Our blueberry farmers are dedicated and passionate about what they do and it is evident by the high-quality fruit they grow each year."

Blueberries were the No. 1 crop in New Jersey for 2017 with a production value of almost \$84 million. New Jersey annually ranks in the top six in the U.S. in the production of blueberries. Farmers in the Garden State harvested 43.4 million pounds of blueberries on 10,000 acres last year.

The blueberry season for New Jersey lasts through the end of July. During the peak of blueberry season, production can be as high as 250,000 to 300,000 crates per day. Eating blueberries is beneficial to health as they are known as the "King of Anti-Oxidants." Blueberries are low in calories and high in nutrients.

Go to www.FindJerseyFresh.com to see where Jersey Fresh blueberries are available locally and to find recipes that include great tasting Jersey Fresh blueberries.

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PRESS OF ATLANTIC CITY

[Invasive plant pest spotted lanternfly has arrived in NJ](#)

By Michelle Brunetti

July 18, 2018



The spotted lanternfly, an Asian pest that attacks grapevines, fruit trees and other nursery plants, has arrived in New Jersey from its stronghold in eastern Pennsylvania.

New Jersey Secretary of Agriculture Douglas H. Fisher announced Tuesday that the pest was found in Warren County recently on its preferred host, ailanthus -- also called the tree of heaven. Warren County is in northwest New Jersey.

"In my mind, it was always a question of when," said Joe Zoltowski, the New Jersey Department of Agriculture Division of Plant Industry director. "It was not surprising."

The bug was first found in the United States in Berks County, Pennsylvania, in 2014, and has since spread to 13 counties in Pennsylvania, in spite of the state's attempts to contain it with quarantines and other measures. Last year, the insect's population exploded there.

So far they have not been found in South Jersey, but that respite may not last.

"Would it surprise me if we did find them (in South Jersey)? No," said Zoltowski.

A survey crew hired with a federal grant to look for the insect found a small population recently in Warren County, he said. But he declined to say what town they were in.

The pest a good hitchhiker. Especially in the nymph stage as it is now — when it's black or red with white spots and a half-inch to three-quarter of an inch long — it's easy for spotted lanternflies to jump on people's hats and clothing. It can also hitch a ride on a vehicle.

"People can be accidentally moving them and not know," Zoltowski said.

They damage plants as nymphs and as adults, he said. But the larger they get, the more damage they do. As the nymphs get bigger, they also turn from black to red with white spots.

A lot of transportation takes place between New Jersey and the Pennsylvania counties with the outbreak. That includes 36 bridges between New Jersey and the Pennsylvania counties of Delaware, Philadelphia, Bucks, Northampton and Monroe — all of which have spotted lanternfly.

So New Jersey has been conducting surveillance along the border of the two states, at truck stops and other high-use areas of major highways from Warren to Salem counties. It is also conducting a public education campaign so people know what to look for and how to report it.

No one knows for sure how it got to Pennsylvania, but the theory is it came on a ship from Asia.

The leafhopper has no known predators here.

Penn State Extension materials say the lanternfly “feeds upon over 65 species of plants and as such, is projected to become a serious pest of timber, ornamental trees, tree fruit orchards, grapes, stone fruit, and other small fruits such as blueberries. It can kill hops and feeds on several types of vegetables.”

Pennsylvania recently received \$17.5 million from the federal government to contain the outbreak and eradicate it.

Dead spotted lanternflies were found last year in New York and Delaware, and a small infestation of live ones was found in Virginia.

Surveillance will continue in the immediate area as well as along the Delaware River border, according to the agriculture department.

Anyone who travels to and from Pennsylvania is asked to inspect vehicles for the insect before entering New Jersey.

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POUGKEEPSIE JOURNAL

[115,100 gallons of untreated waste spilled into Hudson River](#)

By Ryan Santisteven

July 18, 2018



The Hudson River from Quiet Cove Park in the town of Poughkeepsie.

Approximately 115,100 gallons of untreated waste spilled into the Hudson River in the area of 200 Rinaldi Blvd. in Poughkeepsie on Tuesday, according to alerts sent out by the state.

The permitted Poughkeepsie spills happened twice, once for approximately 25 minutes and another for approximately an hour, according to the alerts.

On Saturday, approximately 344,400 gallons of untreated waste spilled into the river at the same location.

Heavy rain and thunderstorms were cited as the cause of the spills, according to the alerts.

Randy Alstadt, Poughkeepsie's Water Treatment Facility plant administrator, said in an email that he has explained to the public "that sewage would be diluted in (the) river and that our plant incorporates three disinfection techniques which includes ozonation, ultra violet light and chlorination."

ASBURY PARK PRESS

[Oyster Creek meeting draws more than 100 attendees](#)

By Amanda Oglesby

July 18, 2018

With Oyster Creek nuclear power plant's shutdown merely months away, more than 100 attendees came to the Lacey Community Center on Tuesday to pose questions to nuclear regulators about the plant's — and the township's — future.

Exelon, the plant's parent company, announced this year that Oyster Creek will be placed into storage for the next half-century before its radioactive components are taken apart, but Lacey residents and environmentalists expressed concerns about the company's plan.

Environmental contamination, job losses and financial impacts to Lacey were among the worries articulated by more than a dozen attendees who posed questions to the Nuclear Regulatory Commission, an independent regulatory organization that oversees Oyster Creek. *Learn more about Oyster Creek nuclear power plant in the video above.*

"There's a potential impact on our quality of life," said Ron Martyn, a resident of the Sea Breeze age-restricted community in Lacey.

By waiting decades to take apart the plant, Exelon representatives and nuclear regulators say the radioactive decay will make decommissioning Oyster Creek less expensive and less dangerous.

Waiting also allows the company's decommissioning trust fund to accrue more interest. Exelon officials estimate decommissioning and site remediation will cost about \$1.4 billion over the next 60 years.

The power plant is the largest economic engine in the township, is Lacey's most valuable taxable property, and employs hundreds of high-paid workers in the region. After the plant's October shutdown, that will begin to change.

Martyn wants to see Lacey compensated for storing Oyster Creek's radioactive reactor fuel, because no national central repository yet exists to store the waste. One bill, the Stranded Nuclear Waste Accountability Act of 2016, if approved would give municipalities \$15 per kilogram annually for storing spent nuclear fuel. Such a bill could help make up some of the revenue that will be lost when the plant is dismantled, but the bill stalled after being referred to the House Committee on Energy and Commerce.

Another Congressional bill, H.R.3053, introduced in the House in 2017, would launch a program to consolidate the spent nuclear fuel currently housed at plants around the nation. The bill would launch a program to temporarily store the radioactive material until a permanent repository is established. That bill also stalled.

"We feel that the feds aren't doing what they're supposed to do," said Paul Dressler, another resident of the Sea Breeze community. "Our local officials in 1969 (when Oyster Creek began operations) did not sign up... with the premise that they would have to keep the radioactive waste locally."

Dressler said he worried that sea level rise and the changing New Jersey coastal conditions could put the plant at risk of flooding in the future.

Other nearby residents worried about storing the spent fuel for decades and asked whether containment vessels would stand up to the forces of aging and nature.

Douglas Broaddus, chief of plant licensing for the Nuclear Regulatory Commission said the fuel storage casks are designed to be self-cooling and will be inspected twice each year.

If there were evidence of wear, he said, "there are ways you can go back in and seal them up."

Paul Gunter, leader of the reactor oversight project at the environmental organization Beyond Nuclear, urged nuclear regulators to compel Exelon to donate irradiated and stressed plant material samples to organizations that are studying safety in the nuclear energy market. Studying the possible embrittlement and fatigue of plant components could make nuclear energy safer in the future, he said.

"There is an opportunity for jobs to do (the) scientific work," Gunter said.

The plant currently employs hundreds of people, and Exelon officials say many of those employees will remain at the facility following the impending October shutdown.

Exelon has 60 years to fully decommission the plant, but on Tuesday, the company released a statement saying that timeline could be shorted "as new technologies for used fuel storage are approved."

"Sixty years is way too long to wait," said Jeff Tittel, director of the New Jersey chapter of the Sierra Club, an environmental advocacy organization.

Tittel said rising sea levels, which bring higher tides and storm surges, could change the coastline and environment of this mainland township.

"We don't know what it's going to be like (here) 60 years from now," he said.

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WAMC NEWS

[PCB-Contaminated Stream Near Dewey Loeffel Landfill To Be Remediated](#)

By Lucas Willard

July 18, 2018

Work will begin this summer as part of ongoing remediation efforts at a contaminated landfill in Rensselaer County. WAMC's Southern Adirondack Bureau Chief Lucas Willard reports officials with the U.S. Environmental Protection Agency provided an update in the Town of Nassau Tuesday night.

Closed in the 1960s, the Dewey Loeffel Landfill in Nassau was used as a dumping ground for industrial waste. Today, it remains contaminated with PCBs and a number of volatile organic compounds.

The U.S. Environmental Protection Agency took over remediation efforts at the site in 2011, which was previously a New York State Superfund.

Nassau Town Supervisor Dave Fleming is just one of several residents frustrated with the slow progress at the site.

"We've now spent over a decade with fish being contaminated, the food chain being contaminated because that original attempt at remediation failed. So now we're going to do a second remediation of a very small stream, a real small component of what the contamination is," said Fleming.

The landfill collected waste from General Electric, the Bendix Corporation, Schenectady Chemicals, and other companies. The site is close to streams and wetlands. Fishing remains restricted in the Valatie Kill and Nassau Lake.

The State of New York ordered the closure and cleanup of the site in 1968.

In the early 80s, GE entered an agreement to investigate and remediate the site. Waste was removed from the landfill and a slurry wall was built around the landfill, where a clay cap was installed. Work continued under the state referred the project to the EPA in 2009. It was named a federal Superfund in 2011.

In 2012, GE and company SI group began working with EPA. The companies constructed a facility to treat contaminated groundwater. Sampling and monitoring work has continued. Some nearby residents are living with bottled water or have had point-of-entry water treatment systems installed on their homes.

EPA Regional Administrator Pete Lopez, speaking at an information session Tuesday, acknowledged the lengthy remediation process.

"It is slow-moving but it's very comprehensive. Many of these situations are highly complex. And every situation, of course, is different," said Lopez.

On Tuesday, EPA announced that it would oversee cleanup on a stream near the landfill. Again, Administrator Lopez.

"We're focusing on PCB's today. We've had some conversation about 1,4-Dioxane and that's been a common discussion with the county legislature. But in this case we're focusing on the PCB remediation," said Lopez.

High concentrations of PCBs, the same chemical dredged from the Hudson River, have been found in an unnamed tributary dubbed T11A leading from the landfill. The small stream flows into the Valatie Kill, which flows into Nassau Lake.

GE is in the process of selecting a contractor to remove polluted sediment from T11A. Work is expected to begin this summer and continue for 3 to 4 months.

Investigation into and monitoring groundwater for the spread of other pollutants with names like 1, 4-Dioxane, benzyne, and TCE is ongoing.

Mark Behan is a spokesperson for GE.

"We cooperated with New York State when New York State was the lead on this and we're cooperating with EPA now," said Behan.

A number of residents attended Tuesday's meeting in a hot, humid community room at a local church.

Several have come together in the past to pressure the government to clean up the site. Kelly Travers-Main organized a group called UNCAGED. She said several of her neighbors have fallen ill over the years.

"Too many of us. And the biggest concentration of different types of cancers is right here at Morey Park, which is at the mouth of the lake," said Travers-Main.

Travers-Main is referring to the Morey Park area just over the Nassau line in the Town of Schodack. Morey Park Road runs along the north end of Nassau Lake and ends close to the Valatie Kill.

A grassroots effort collected information about various illnesses in the community. The illnesses were mapped and a map of the region with several colored pins was hung in the local library. It's now in town hall.

EPA gave a brief presentation about Community Action Groups, or CAG, which the agency does not form but uses to gather input from stakeholders.

Travers-Main is interested in forming a CAG, in particular to inform newcomers.

"If we can open up the CAG and EPA put out there that we're looking for community members to join in on what's going on, I think that's a really good thing," said Travers-Main.

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NEWSDAY

Illegal dumping scheme put debris in parks, backyards, officials say

By Rachelle Blindner

July 18, 2018



An undercover operation that netted dozens of arrests for illegal dumping Tuesday centered on a self-proclaimed dirt broker who offered residents clean fill and instead arranged for debris and solid waste to be placed on their properties, Suffolk County District Attorney Timothy Sini said.

Anthony C. Grazio, also known as Rock, was one of 24 people arrested Tuesday in the monthslong Operation Pay Dirt, which brought the largest bust for illegal dumping of construction and demolition debris in the state's history, officials said.

The investigation also resulted in charges for 11 companies in connection with the dumping. Investigators seized 27 trucks and froze \$4.4 million in accounts, Sini announced at a news conference Wednesday.

The investigation "uncovered an underground world of dirt brokers, solid waste facilities and trucking companies" working together to dump illegally, Sini said.

The investigation — which is part of a larger crackdown on illegal dumping launched by Gov. Andrew M. Cuomo called Operation TrashNet — also uncovered 21 new dumping sites, officials said. It was conducted by the district attorney's office and the New York State Department of Environmental Conservation.

Pay Dirt focused on 25 illegal dump sites, including backyards, public land and parks, Sini said. Investigators seized 18 vehicles and executed 29 search warrants, officials said.

Investigators found Grazio brokered deals with recycling and solid waste management facilities and trucking companies to illegally dump construction and demolition debris into Suffolk parks and backyards, Sini said. Grazio also sold or offered clean fill to residents through online advertisements and door-to-door solicitation and showed them "bogus lab reports" about the fill's contents, Sini said in an interview late Tuesday.

Grazio was charged with five felony counts of criminal mischief, according to court records.

Companies saved hundreds of thousands of dollars by dumping illegally, with legal disposal costing \$400-500 per truckload of material, Seggos said at the news conference.

The investigation began in February after investigators found evidence that Grazio solicited a Central Islip homeowner with free clean fill to grade his land and instead arranged to have solid waste that contained hazardous substances placed there, Sini said.

Grazio coordinated with Vito Fragola, the owner of West Babylon-based New York Trucking & Carting, to “run loads of solid waste for profit,” Sini said.

“For almost a week, NYTAC had trucks dumping solid waste at the homeowner’s yard — material the homeowner believed to be clean fill,” Sini said.

Fragola was charged with a felony count of criminal mischief and two misdemeanors, court records show.

The operation also investigated a field outside Brentwood North Middle School, which became an illegal dump site while a nonprofit youth soccer club was planning to refurbish it and use it for soccer fields, officials said.

The illegal fill was disposed of by Durante Brothers Construction Corp. and brought to the middle school property by Smithtown-based SCF Materials Corp., Sini said.

Officials will hold a news conference at the Brentwood property at 1 p.m.

Public and government attention has been focused on illegal dumping since 2014 when investigators discovered nearly 40,000 tons of contaminated debris in Roberto Clemente Park in Brentwood. The dumping, which involved three other parcels in Suffolk, led to the convictions of five men, including two Islip Town parks employees.

Tuesday's arrests were the most for illegal dumping in the state since 2001, when 35 people and 21 businesses were indicted for allegedly dumping thousands of gallons of waste fluid, including motor oil and antifreeze, officials said. The current investigation is focused on solid waste.

A special grand jury will be convened to investigate these cases and report back on how to reduce illegal dumping, Sini said.

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MID-HUDSON NEWS

[Gillibrand pushes increased funding to clean up contaminated water systems](#)

July 18, 2018

WASHINGTON – A bill in the US Senate that would increase funding for small and disadvantaged communities to clean up water contamination in their local systems has the support of Senator Kirsten Gillibrand (D, NY).

The senator said the “Contaminant and Lead Electronic Accounting and Reporting Requirements for Drinking Water Act” would apply to the issue of Newburgh city water contamination from the Air National Guard Base at New York-Stewart International Airport.

“One of our biggest challenges at Stewart Airport is we have PFOA, which is a carcinogen that is used in foam when our military is doing exercises on airstrips in case of fires,” Gillibrand said. “And we believe the military had an obligation to clean up this poison that is now unfortunately seeping into our groundwater, this bill would make it possible for the community to apply for funds to not only test the water in all communities regardless of population, but also then have the technology to clean it up.”

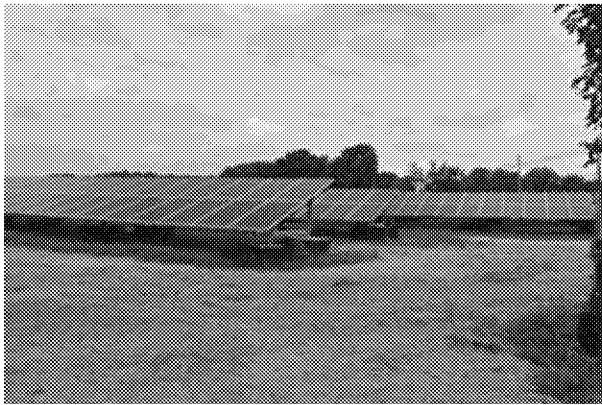
The bill would increase the amount of funding provided by the Assistance for Small and Disadvantaged Communities program from \$60 million per year through fiscal year 2021 to \$230 million for fiscal year 2019 and \$300 million each year for FY2020 to FY 2023.

NJ SPOTLIGHT

[It Was Once a Superfund Site, Now It's a Solar Farm](#)

By Tom Johnson

July 18, 2018



Sixty-acre former Superfund site in South Brunswick is home to a new solar farm.

When Gov. Phil Murphy signed an ambitious law to ramp up the state's reliance on renewable energy this spring, he chose to do so at a former Superfund site that is being converted to a solar farm.

The 68-acre former South Brunswick Landfill project is now completed, the 34th commercial solar facility undertaken by NJR Clean Energy Ventures (CEV), an unregulated affiliate of New Jersey Resources.

For CEV, the project is getting to be old hat, with the company investing nearly \$600 million in solar projects throughout New Jersey. It owns and operates 194 megawatts of capacity throughout the state, involving mostly commercial projects — although it has 61.5 MW in projects that cover 6,800 residential customers.

This administration has set lofty clean energy goals, aiming to having 100 percent of electricity produced by renewable energy by 2050, a target that will rely heavily on solar to achieve that level. And it will have to do so while figuring out a new way of incenting developers to invest in solar.

Current system to be scrapped

Because of worries about mounting costs to consumers, the legislation signed by Murphy will end up scrapping the current system of financing solar projects, which awards solar renewable energy credits to owners of the arrays for the electricity they produce.

The current financing system has been successful on one level — it has led to more than 90,000 solar installations statewide — but the expense has fallen on ratepayers to a large degree, costing more than \$500 million a year.

Within three years, the New Jersey Board of Public Utilities must come up with a new, and presumably less costly, program to incent continued growth in the solar sector, which employs more than 7,000 people in the state. The agency is in the process of seeking input on how the new program should function.

"New Jersey has a thriving solar program and we fully expect that to continue," BPU president Joseph Fiordaliso said recently. CEV executives are equally optimistic.

“We don’t know where it is going to shake out,” said Mark Valori, vice president of CEV, referring to the overhaul of the solar program, “but we want to be a player in the state.”

Murphy’s aggressive goals

To date, the company has invested more than \$800 million in renewable energy, including four wind projects in Kansas, Iowa and Pennsylvania totaling 116.9 mw.

Solar and offshore wind are projected to be the primary technologies that will help the state achieve the Murphy administration’s aggressive clean energy goals.

Larry Barth, director of corporate strategy for NJR, has few qualms about the solar sector. “It’s going to be a good opportunity given the Murphy administration’s commitment to clean energy. He wants to make New Jersey a national solar leader once again,” he said.

The state already is moving to promote solar through a number of initiatives, Barth said, including establishing a new community solar program that could help bring the technology to low-income communities, a priority of the governor.

Barth is optimistic about the process. “It’s got to work for the customer, the ratepayer and the business that wants to invest,” he said, referring to the transition to the new solar financing program.

Brownfields and abandoned landfills

In South Brunswick, the 13-megawatt solar project will end up providing enough energy to power 1,360 homes. It is the third brownfield project that CEV has built. The state has put a priority on building solar farms on brownfields and abandoned landfills, instead of using existing farmland or open spaces.

The facility is built on about 60 acres of the former Superfund site, which had been capped and taken off the National Priority List in 1998. It had operated as a garbage dump for 20 years until it was closed in 1978.

“By all outward purposes, the landfill is a liability until it was turned into an asset,” said South Brunswick Mayor Charlie Carley, referring to the conversion into a solar facility.

“This is one of the best things you can do with a closed landfill,” said Walter Mugdan, a deputy regional administrator for the U.S. Environmental Protection Agency’s Region II office in New York.

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VIRGIN ISLAND DAILY NEWS

Refinery’s environmental legacy could ensnare the future

July 17, 2018

Contract documents and U.S. Environmental Protection Agency records offer a glimpse into how lingering environmental issues at a St. Croix refinery could be handled if refining resumes.

Gov. Kenneth Mapp has announced an agreement to reopen the former HOVENSA refinery on St. Croix with ArcLight Capital Partners, which currently operates the Limetree Bay Terminals oil storage facility. Mapp has called senators into a special session on July 25 to ratify the agreement.

Copies of the contract furnished to The Daily News show Limetree has been given latitude to pursue modification of the existing federal consent decree through an affiliated subsidiary.

The Clean Air Act Consent Decree came about after the EPA discovered some refinery buildings leaking benzene and other chemicals into the air.

The EPA sought a fine and improvements to the refinery, resulting in a consent decree in 2011 with HOVENSA, which agreed to pay a \$5.4-million civil fine and invest \$700 million in improvements to air quality control at the site of the refinery, according to the EPA. However, HOVENSA shuttered the plant later that year, leaving the consent decree momentarily in limbo.

Two separate agreements govern the interaction between the government and Limetree. The Revised and Amended Terminal Operating Agreement governs ongoing terminal operations.

The Refinery Agreement governs the potential refinery. Sections of the agreement refer to long waiting and evaluation periods to ensure whether refining is actually feasible, given the environmental legacy at the site.

The initial review period is a minimum of 36 months, and can be renewed for up to five years, according to the agreement.

The timing means the earliest refining could start — assuming ratification by the V.I. Legislature on July 25 — would be July 25, 2021. The latest refining could start with immediate ratification would be July 25, 2023.

If Limetree is found responsible for the consent decree, it can avoid restarting the refinery altogether, according to the contract.

If Limetree “would be subject to material liability under the Clean Air Act Consent Decree notwithstanding Refinery Operator and the Government’s efforts pursuant to Section 4.1(A), the Refinery Evaluation Period shall, at the option of Refinery Operator, be terminated for all or a subset of the Refinery prior to the end of the then-current Refinery Evaluation Period within ten (10) days of a written notice by Refinery Operator of termination of such Refinery Evaluation Period, to minimize any such liability,” the agreement reads.

If the refinery restart is not scheduled within the maximum five-year window, Limetree has the option to dismantle part or all of the refinery at its expense within three years, according to the agreement. The government could potentially receive some revenues if portions are dismantled after the restart, according to the agreement.

HOVENSA and the EPA formed the HOVENSA Environmental Response Trust in 2016, which took over environmental remediation efforts at the former refinery site under the terms of the Resource Conservation and Recovery Act. The trust was endowed with \$72 million to clean up the site, according to a notice published in the Federal Register.

Environmental cleanup is still underway at the facility, according to the most recent two-year report filed with the EPA, which is dated in 2015. In 2014 and 2015, HOVENSA removed 289.6 tons of tank sludge containing benzene, cadmium, mercury, and other chemicals and shipped them to facilities in Texas, Florida and Arkansas.

The 2015 report represents a relatively quiet period for cleanup at the refinery. HOVENSA reported removal of 10,064 tons of waste in 2012 and 2013. During those two years, benzene, lime sludge, cadmium, barium, chromium, mercury and silver were sent to facilities in Texas, Louisiana, Pennsylvania, Arkansas, and Florida.

Some sections of the contract address the interplay between the Environmental Response Trust and Limetree.

The contract provides for Limetree to act on behalf of HERT to completely clean up the site, with participation by government agencies. Solid waste cleanup is conducted under the terms of the Resource Conservation and Recovery Act, or RCRA, which governs hazardous waste sites nationwide.

The agreement uses the acronym “HERT” for the trust.

“Such performance is funded by HOVENSA or HERT or, to the extent such funds prove inadequate, by amounts made available pursuant to the RCRA financial assurance demonstration for the site, but only to the extent agreed to in writing by both EPA and DPNR,” the contract reads in part.

CARIBBEAN BUSINESS

[Former Puerto Rico power company chairman named executive director](#)

July 18, 2018

Gov. Ricardo Rosselló announced Wednesday the appointment of José Ortiz to head the Puerto Rico Electric Power Authority (Prepa).

Ortiz's annual salary, the governor said, will be \$250,000, "with the benefits of a regular employee," as put in a release by the governor's office, La Fortaleza.

The salary is one-third of what was offered the last director named, Rafael Díaz Granados. He and other board members left their seats after a political backlash against the amount decided, especially from the governor. Walter Higgins III announced that his resignation was related to issues with his \$450,000 base pay, plus bonuses offered that it later seemed like he would not be paid.

"He isn't coming to learn," Rosselló said at a press conference, referring to Ortiz having chaired the public utility, while current Prepa Chairman Elí Díaz Atienza assured that the appointment was approved unanimously.

"We can't continue planning too long," the new power company CEO said, adding that his focus will be on accelerating the implementation of initiatives and that "substantial change" will be seen between December and March.

Puerto Rico Electric Power Authority Chairman Elí Díaz said the engineer accepted a salary that "adjusts to the fiscal reality" of the island and the public corporation.

"Our thanks to Engineer José Ortiz for agreeing to lead the Puerto Rico Electric Power Authority in times of fiscal challenges and profound changes. Engineer Ortiz is a proven public servant, who has worked with administrations of different political parties, so I have no doubt that he will be able to direct the energy transformation agenda of our Administration, with the benefit of the People of Puerto Rico as his only focus," the governor said.

Chairman Díaz praised Ortiz's career of more than 30 years "dealing with tax and operational issues of public corporations, private manufacturing, and real estate," La Fortaleza said.

"The experience of Engineer Ortiz will be fundamental in this stage of changes in the public corporation. The Governing Board of PREPA will work as a team together with the executive management to achieve a modern and cost-effective electricity system for customers," Díaz said.

Ortiz will step in for Higgins III on July 23 to head the utility which is in the process of being privatized.

La Fortaleza said that when Ortiz, an electrical engineer, chaired Prepa's governing board from 2011 to 2013, "the public corporation invested in critical infrastructure such as the conversion of generating units to natural gas. In addition, under his leadership, the first large-scale renewable energy projects were developed in Puerto Rico.

"Additionally, Ortiz worked as the executive director of Infrastructure for the Puerto Rico Aqueduct and Sewer Authority (PRASA) from 2004 to 2007 and oversaw the development of the Capital Improvement Plan for the public corporation. This required the investment of approximately \$2.3 million for the design and construction of new treatment plants and improvements to the sanitary system, as well as to improve the availability of drinking water and sanitary systems.

"Later, Ortiz assumed the position of executive president of PRASA from 2007 to 2013. Ortiz led efforts to improve the credit rating of PRASA on an investment scale after 14 years of being on the verge of junk. He also negotiated three consented decrees with the Federal Environmental Protection Agency (EPA) to end over 20 years of noncompliance.

"During this period, Ortiz was also a member of the Water Utility Council of the American Water Works Association from 2011 to 2013. This Council is responsible for establishing legislative and regulatory priorities for the Association to ensure effective representation in Washington, DC for the benefit of the consumers.

"Additionally, Ortiz was president of the Interagency Committee of the American Recovery and Reinvestment Act (ARRA) from 2009 to 2013. This Committee was constituted to supervise and invest the funds received under this federal law. This program successfully invested \$7.2 billion in critical infrastructure and was awarded by its responsible administration of public funds.

"Engineer Ortiz was also president of the Puerto Rico Infrastructure Financing Authority (AFI, for its Spanish acronym) from 2009 to 2012. During his presidency, he led the development of infrastructure work valued at \$1.5 billion, including the construction and rehabilitation of 130 schools, sports facilities for the Central American Games of 2010, as well as the expansion and improvement of Centro Médico Hospital in Puerto Rico.

"After nearly a decade of public service, Ortiz returned to the private sector to work as vice president of Strategic Development for Wyndham Worldwide from 2013 to 2018.

"Ortiz studied engineering at the University of Puerto Rico and holds a Master's degree in Business Administration and Finance from the University of Turabo."

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National News

E&E News

Night and day as Wheeler opens doors to press

<https://www.eenews.net/greenwire/2018/07/18/stories/1060089523>

Posted: July 18,2018 By: Robin Bravender and Kevin Bogardus

Scott Pruitt got a reputation for stonewalling the press, but his successor is taking a new approach.

In his first two weeks on the job, acting EPA Administrator Andrew Wheeler has promised transparency to the press and to the public. He has published his daily calendars, has agreed to interviews with a range of news outlets and gave advance notice that his meeting Monday with business officials in Pennsylvania would be open press.

Such practices were commonplace for past EPA chiefs appointed by Republican and Democratic presidents alike, but Pruitt prioritized secrecy, preferring not to release his schedule until weeks later and releasing a private version of his calendar only under litigation. His staff screened for reporters they deemed favorable, and Pruitt rarely held open-press events.

"We've seen some better access to mainstream and objective media since Wheeler came in," said Joseph Davis, director of the watchdog project at the Society of Environmental Journalists, an association that represents professional reporters. "SEJ was profoundly unhappy with the press operation under the Pruitt regime, and we can only hope that any changes will be improvements."

A former Obama EPA press official said, "It's clear that Wheeler has brought a big mop and a lot of disinfectant to how the agency is working with the press. ... Night and day would be an understatement."

Wheeler's press office says it is taking a new tack. Asked if more changes were coming, EPA spokesman John Konkus said that with Wheeler, "you can expect a change in approach, and in this case a change in tone, as well," noting that the acting chief has already said he puts "a premium on transparency."

"I think you can take that mindset and apply it across the board when it comes to how EPA will be communicating with the media and the public going forward," Konkus said.

Under Pruitt, EPA's press shop often adopted campaign-style tactics.

Reporters weren't given advance notice of his events. Others were kept off an agency email press list. Some were even criticized by name for their coverage of EPA (Greenwire, Sept. 5).

Aides also sought not to publicize Pruitt's whereabouts and to limit press access to the administrator. Jahan Wilcox, one of Pruitt's more vocal defenders, said in one text message that the EPA chief didn't want "open press" at an event.

It also led to combative interactions with reporters, resulting in some choice quotes as Pruitt came under heavy scrutiny for allegations of excessive spending and mismanagement.

One EPA spokeswoman, Liz Bowman, said in a story by The New York Times that the newspaper was writing "elitist clickbait." Wilcox directed an E&E News reporter to use Google when asked for comment for another story (Greenwire, May 15).

Wilcox also garnered attention when he called a reporter at The Atlantic "a piece of trash," a comment he later apologized for.

As frustration grew among reporters and press advocates, SEJ wrote a series of letters to EPA asking Pruitt to change his agency's tactics toward the media. But Davis of SEJ said the problems were broader than Pruitt and his staff.

"We felt that this was in fact not just an EPA policy or a Pruitt policy; we felt that it was a Trump administration policy," he said. "Basically, the Pruitt press shop was imitating all the bad actions of the White House press operation. Gosh, we hope that changes, but it's still the Trump administration. Direct attacks on individual reporters, denial of access as retribution, selection of friendly reporters and preference given to them, preferential treatment of friendly reporters. Those things we would like to see stop."

A former career EPA press official who worked under Republican and Democratic administrations said press management under Pruitt was "far from the norm that you would hope for."

The "guiding principle during various periods when I was helping with press at the EPA was that we wanted more than anything to preserve our credibility, to get materials to reporters quickly, to try to be as helpful as possible, to try to serve the public's right to know," that person added. "The stuff that came out under Pruitt seemed to be exactly the opposite, that the press was somehow the enemy. ... There were even stories about reporters claiming to be physically restrained, things that were just really shocking and unimaginable."

Some EPA press officials have left the agency, and Wheeler may bring in some new communications aides.

When contacted by E&E News for this story, Wilcox confirmed that he has left EPA but declined to comment further. Others have left the press office, as well, including several in the aftermath of Pruitt's resignation. Along with Wilcox, Kelsi Daniell and Lincoln Ferguson are no longer working in EPA's public affairs shop. Bowman, who ran the office, left the agency this May.

The political staff in the EPA press office has been depleted, but several staff members remain, including Konkus as deputy associate administrator for public affairs, as well as Michael Abboud, Molly Block and James Hewitt. Christopher Beach is also an EPA speechwriter based in the public affairs office. Still, EPA has not named an acting public affairs chief

since Bowman's departure more than two months ago. Asked if the agency plans to name a press chief soon or staff up the office again, Konkus said, "We have no announcements at this time."

Liz Purchia, a former head of EPA public affairs during the Obama administration, said having no set leader in the office can lead to chaos.

"You don't have anyone to set the tone for the communications office in a leadership position with a communications plan in place," Purchia said. "Everyone can be doing their own thing and have to play whack-a-mole with reporters."

'You act like you're trying to hide something, people will go looking'

Media experts and former EPA officials say secrecy at the agency has a tendency to backfire.

"Clearly, Pruitt's strategy failed in terms of his engagement with the press," said the former Obama EPA press official. "The more Pruitt and his henchmen fought the press, the worse they did. They invited more scrutiny, which ultimately led to his downfall."

"You have to feed the beast. If you don't make yourself available, reporters are going to pick and choose how to pursue their stories," Purchia said, noting how EPA under Pruitt went after journalists. "You didn't see a proactive plan of them trying to set the agenda."

Bill Ruckelshaus, EPA's first administrator under President Nixon, was brought back in during the Reagan administration in an effort to rebuild the agency after it was tarnished by a Superfund scandal under Administrator Anne Gorsuch Burford in the 1980s. Like Pruitt, Burford was viewed at the time as being secretive and shutting out reporters.

Ruckelshaus made an effort to be as transparent as possible when he came back. "You act like you're trying to hide something, people will go looking and they'll find something."

He started holding regular on-the-record meetings with reporters. "To be honest with you, some of them didn't like it so much, because they lost their ability to break a new story. Everybody got it at the same time. But I think it's absolutely necessary to do that," he said.

Reporters who had swarmed EPA to cover the Burford scandals lost interest pretty quickly, Ruckelshaus said. "It doesn't take long if they see that you're trying to be as open as you can be with them," he said. From the perspective of journalists looking for news, EPA became a less exciting place to work.

Wheeler, a former Capitol Hill staffer, has a track record of regularly talking to the press.

"I think a lot of people give Andrew credit for his outreach to media," said Matt Dempsey, who was a press aide to the Senate Environment and Public Works Committee under Sen. Jim Inhofe (R-Okla.) when Wheeler was staff director.

Wheeler started doing pre-hearing briefings with reporters ahead of hearings and committee votes, Dempsey said. And under Wheeler's direction, Inhofe's press office was credited in 2007 with having the first-ever live Senate blog during the State of the Union address.

In 2008, Inhofe's website won an award from the Congressional Management Foundation. In a statement about the award, Inhofe touted the website as a way to bypass the media.

"Creating a top-notch Committee website provides the public more direct information — in many cases by bypassing and critiquing the mainstream media — and greater access to their elected representatives," Inhofe said then in a statement. "The goal of my website has always been to bring our government closer to the people and allows for more feedback from our constituents."

But Dempsey said Wheeler sees value in working with reporters from a range of news organizations. "One of his strengths is working with the various media outlets and working across the spectrum," Dempsey said.

Wheeler's early moves to open up press access at EPA have been greeted with optimism by some of those who criticized Pruitt's approach.

Yesterday, Sen. Tom Udall (D-N.M.), ranking member on the Senate Appropriations subcommittee with jurisdiction over EPA's spending, sent a letter to Wheeler in which he recounted that the acting EPA chief had pledged in a phone call to publish his daily schedule after the end of each day and announce events for press in advance.

Udall welcomed those actions but pushed for more change at EPA.

"While I welcome these steps, the job of re-establishing trust with the American people will require more than simply publishing a public schedule and abiding by the appropriations process," Udall said.

Critics of the Trump administration are waiting to see what Wheeler does next.

"The important test will come when there's a crisis, when there's strong political opposition and when there's something they don't want the world to know about, and that's when the rubber meets the road," said Davis of SEJ.

Purchia said of Wheeler, "The bar is so low that anything they will do will be a major improvement." Still, she added, "no one should be celebrating that they are doing the bare minimum."

Coal Ash

The Washington Post

EPA eases rules on how coal ash waste is stored across U.S.

https://www.washingtonpost.com/national/health-science/epa-eases-rules-on-how-coal-ash-waste-is-stored-across-the-us/2018/07/17/740e4b9a-89d3-11e8-85ae-511bc1146b0b_story.html?utm_term=.f5fb9179feaa

Posted: July 17th, 2018 @ 7:15pm By: Juliet Eilperin and Brady Dennis

The Environmental Protection Agency finalized a rule Tuesday to overhaul requirements for handling the toxic waste produced by burning coal, providing more flexibility to state and industry officials who had sought a rollback of restrictions put in place in 2015.

The far-reaching rule will dictate how coal ash, which has contaminated waterways in two high-profile spills in Tennessee and North Carolina in the past decade, is stored at more than 400 coal-fired power plants around the country.

The new standards — the first major rule signed by EPA acting administrator Andrew Wheeler — will extend the life of some existing ash ponds from April 2019 until October 2020, empower states to suspend groundwater monitoring in certain cases and allow state officials to certify whether utilities' facilities meet adequate standards. EPA officials estimate that the rule change will save the industry between \$28 million and \$31 million a year in compliance costs.

"These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Industry officials petitioned the Trump administration last year to reconsider existing standards for the fine powder and sludge — which contains mercury, cadmium, arsenic and other heavy metals — and the new regulation expands on the proposal then-EPA Administrator Scott Pruitt issued in March.

Wheeler worked for several years as a lobbyist for Murray Energy, which supported reconsideration of the coal ash rule, before joining the administration this spring. He said in [an interview](#) with The Washington Post this month that he has not lobbied EPA directly for several years, though he lobbied other government departments since President Trump took office.

The Obama administration negotiated for years with environmental groups, electric utilities and other affected industries about how to address coal waste, which can poison wildlife and lead to respiratory illnesses among those living near storage sites. The 2015 rule increased inspections and monitoring of coal ash disposal sites and required measures such as liners in new waste pits to prevent leaks that might threaten nearby drinking water supplies.

Tuesday's rule — which will be followed by a second one, most likely next year, to address how to recycle coal ash to make concrete, gypsum wallboard and pavement — incorporated several requests from industry. For example, it would allow a state to suspend groundwater monitoring if it determines that there are no leaks, contamination or migration of contaminants that can be detected.

And while the initial proposal required a professional engineer to issue a certification of compliance for coal ash storage sites, the new rule will allow state authorities to sign off on it instead.

The rule will allow coal ash impoundments that are at risk for leaks — including ones within five feet of groundwater or in wetlands or seismic zones — to continue operating beyond April 2019, when they were slated to close. Instead, they may remain open under the new rule until October 2020.

In addition, the new rule would allow states to establish their own “risk-based” standards for substances for which there are no federally mandated “maximum contaminant level,” or MCL. That could affect the regulation of contaminants such as cobalt, lithium and lead, all of which have been linked to potentially serious health problems in humans.

Jim Matheson, who heads the National Rural Electric Cooperative Association, praised the deadline extension, saying in a statement that “EPA is working to avoid unintended consequences while the agency updates the original rule” to reflect new authority Congress gave the agency a year and a half ago.

Earthjustice senior counsel Lisa Evans criticized the agency for making concessions to the power sector. “Wheeler is on course to give industry exactly what it asks for, regardless of the damage it wreaks on our drinking water and health,” she wrote in an email.

Avner Vengosh, a Duke University expert on the environmental impacts of coal ash, said that scaling back monitoring requirements, in particular, could leave communities vulnerable to potential pollution.

“We have very clear evidence that coal ash ponds are leaking into groundwater sources,” Vengosh said. “The question is, has it reached areas where people use it for drinking water? We just don't know. That's the problem.”

And officials are unlikely to know, he said, unless basic monitoring requirements — which were part of a compromise in 2015 after the EPA decided not to define coal ash as hazardous waste — remain in place.

The EPA aims next year to finalize a separate rule addressing toxic wastewater discharge from power plants, and a senior agency official said that it made sense to align the two deadlines so that utilities could determine how best to comply with both revised standards.

The administration did opt to preserve the 2015 rule's requirement that utilities publicly post the groundwater monitoring data they collect from coal ash disposal sites. This year, more than a dozen power plants across eight states publicly released data showing widespread groundwater contamination from such sites.

Environmental groups seized on the data, pointing to increases in potentially toxic substances such as arsenic detected in the groundwater near coal ash storage pits.

Industry representatives, however, noted that despite evidence of leakage from some existing coal ash storage facilities, whether such leaks have harmed drinking water supplies remains unclear.

EPA officials said they received roughly 160,000 comments on the proposed rule but declined to say how many people favored or opposed it.

During public hearings, agency officials received an earful from environmentalists and residents of communities affected by coal ash. In April, inside the ballroom of a Doubletree Hotel in Arlington, Va., those who testified at a public hearing on the coal ash proposal overwhelmingly opposed a rollback of the Obama-era standards.

"We will oppose this rollback every step of the way, including in the courts," Mary Anne Hitt, the head of the Sierra Club's Beyond Coal campaign, said that day. "Weakening these standards is a betrayal of these families across the country who are counting on you."

Using its authority under the 2016 Water Infrastructure Improvements Act, the EPA has begun delegating significant authority for overseeing coal ash disposal to the states. Oklahoma received federal approval for its own program, Georgia has completed its application and nine other states are in the process of applying.

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Bloomberg Environment

Power Sector gets flexibility on Coal Ash Clean ups

<https://bna.news.bna.com/environment-and-energy/power-sector-gets-flexibility-on-coal-ash-cleanups?context=landing-heroes>

Posted: July 18, 2018 at 9:24am By: Sylvia Carignan

Coal-powered electric utilities and states will have more flexibility on deciding whether substances leaking from coal ash ponds and landfills need to be cleaned up.

That flexibility is the result of the EPA's first round of changes to its coal ash disposal rules, announced July 18. The changes, initiated under former administrator Scott Pruitt, represent the first completed major regulatory action on coal under acting Administrator Andrew Wheeler.

Coal ash, a product of burning the fuel to generate electricity, contains metals such as arsenic, chromium, and mercury that pose risks to public health and the environment, especially if spilled into drinking water supplies.

The agency is making changes to its 2015 coal ash disposal rule (RIN:2050-AG88) in two phases. Other changes made in this first phase include revised groundwater protection standards for contaminants that don't have an established drinking water standard and an extended deadline for utilities to close their coal ash disposal units.

Ameren Corp. and electric utility associations—including the Utility Solid Waste Activities Group and the National Rural Electric Cooperative Association—asked the EPA for the additional time.

Wheeler was a lobbyist with Faegre Baker Daniels LLP in Washington before joining the agency in April. One of his clients was Murray Energy Corp., which proposed changes to federal coal ash regulations that the EPA is now adopting.

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Politico

EPA finishes first round of coal ash rule changes easing requirements

<https://subscriber.politicopro.com/energy>

Posted: July 18, 2018 at 9:50am By: Alex Guillen

EPA today released the first of what will be multiple rounds of changes to the 2015 coal ash rule easing some of its requirements for states and utilities.

The final rule adopts two alternative performance standards that will allow state permitting authorities to not require utilities to monitor groundwater "if there is evidence that there is no potential for migration of hazardous constituents to the uppermost aquifer." States will also be able to issue technical certifications themselves, instead of relying on a professional engineer.

The rule gives utilities more time when closing coals ash ponds for two reasons: when an unlined surface pond has a "statistically significant" increase above pollution limits, or when the pond doesn't comply with certain location restrictions, such as above an "uppermost" aquifer, wetlands or seismic impact zones. And the rule revises groundwater protection standards for four pollutants that do not have maximum contaminant levels set under the Safe Drinking Water Act: cobalt, lead, lithium and molybdenum.

The agency must still finalize other amendments proposed this spring, including vegetation requirements, the addition of boron monitoring rules and a provision defining how large a release must be to trigger corrective actions. And yet another round of changes is expected to be proposed by the end of September.

Some changes were initiated under the Obama administration, while others were needed after Congress in late 2016 passed a law changing the coal ash rule's enforcement scheme. Still more are Trump administration responses to industry complaints.

WHAT'S NEXT: EPA has at least two more rounds of amendments to finalize. Overall, EPA has projected finishing all the changes by December 2019.

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Ethanol

E&E

Familiar battle lines at EPA hearing on ethanol mandates

<https://www.eenews.net/greenwire/2018/07/18/stories/1060089511>

Posted: July 18,2018 By: Marc Heller

EPA opened what's expected to be an hours long public hearing today on its proposed biofuel volumes for 2019, as pressure grows on the agency to scale back the waivers it has been granting to exempt some refineries from the renewable fuel standard's ethanol mandates.

Ethanol industry groups urged the agency to increase the amount of biofuels in the nation's fuel supply, while petroleum groups, wildlife advocates and a food bank official pressed for reductions.

The battle lines in the debate over biofuel policy were familiar: Critics testified that increased use of corn and soybeans for fuel is speeding conversion of uncultivated land to industrial agriculture, forcing food prices higher and harming public water supplies. Supporters said biofuels reduce dependence on foreign oil, have saved consumers billions of dollars through lower gas prices and have made the air cleaner by reducing carbon monoxide and soot.

EPA proposed total renewable fuel volume of 19.88 billion gallons in 2019, a slight increase from 19.29 billion gallons this year. Conventional biofuel would hold steady at 15 billion gallons.

Advanced biofuel would grow from 4.29 billion gallons to 4.88 billion gallons, and cellulosic ethanol would be at 381 million gallons, up from 288 million gallons this year.

EPA proposed biomass-based diesel at 2.43 billion gallons in 2020, one category that's set two years in advance.

EPA officials at the hearing, held in Ypsilanti, Mich., said they continue to review agency policies on economic "hardship" waivers and recognize that the issue is at the forefront for many stakeholders. The proposal on biofuel volumes doesn't deal with that issue, although ethanol industry groups have asked EPA to make up for the volumes lost through waivers by boosting requirements for the next year.

"On its face, EPA's 2019 proposal represents a solid effort to leave the 15 billion gallons commitment to starch ethanol intact and build on that foundation with a significant increase in cellulosic biofuels," said Chris Bliley, vice president of Growth Energy, an ethanol industry group, in prepared testimony. "However, one needs only look further at the proposal itself to see that these are hollow goals."

Bliley said hardship waivers granted to small refineries have set actual biofuel volumes back to levels from 2013, based on EPA's estimate that the waivers amount to 2.2 billion gallons of demand and a "bank" of 3 billion unused renewable fuel credits that may "expire as worthless."

EPA grants the waivers to small refineries that demonstrate economic pain from meeting the requirements, typically through the purchase of renewable fuel credits. The Small Refiners Coalition, a group critical of biofuel mandates, defended the waivers in a statement today, responding to the hearing.

"In the last six months, we have seen ethanol blending remain robust, and in fact slightly up, compared to the same period from last year," said LeAnn Johnson Koch, director of the coalition. "This proves there is no 'demand destruction,' which is logical since many of the small refiners receiving exemptions do not blend their own fuel."

The American Petroleum Institute called on EPA to reduce the target for advanced biofuels, saying it's based on assumptions about biodiesel imports from Argentina and Indonesia that are uncertain. Broadly, the group said, the renewable fuel standard is a burden on all refiners and ultimately on consumers.

"The proposed volumes are an annual example of a broken government program," said API senior fuels policy adviser Patrick Kelly. "We continue to believe the best solution to fix the RFS is comprehensive legislation that includes a sunset of the program in 2022."

Some environmental groups continue to criticize the RFS for effects on land use and wildlife. The National Wildlife Federation's Great Lakes Regional Center senior policy manager, Marc Smith, cited "massive conversion" of wildlife habitat for biofuel crops. The agency should revise the volumes "well below" the proposed level, he said.

The Renewable Fuels Association asked EPA to reallocate to other refiners the volumes that were waived — a move the agency said it wouldn't make in the 2019 volume proposal. Without that and other actions to raise biofuel volumes, the

proposal is a blow to farmers and ethanol producers, said RFA Vice President of Government Affairs Samantha Slater in testimony.

"Such actions would finally begin to repair the damage done to ethanol and corn by EPA's recent actions on the RFS," Slater said.

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FOIA

Politico

EPA chief of staff: Agency aims to clear FOIA backlog in 'a few months'

<https://subscriber.politicopro.com/energy/whiteboard/2018/07/epa-chief-of-staff-agency-aims-to-clear-foia-backlog-in-a-few-months-691906>

Posted: July 17, 2018 at 7:55pm By: Eric Wolff

EPA hopes to clear a backlog of requests for records from the administrator's office "within the next few months," agency chief of staff Ryan Jackson told POLITICO today.

The action follows an outcry over unanswered Freedom of Information Act requests that grew under former EPA Administrator Scott Pruitt, leading watchdog groups and news organizations to file lawsuits accusing the agency of flouting the law.

Now the agency has worked to streamline how it processes requests and is in the process of hiring six to nine new staffers for its FOIA office, Jackson said in a phone interview. Jackson said the work was already underway and was not a response to pressure, and he said the agency also faced a backlog dating back to the George W. Bush administration.

"I believe that we have an organization in place now that will be able to response to these and get the FOIA requests answered, get FOIA lawsuits settled and completed we hope," he said.

"What I mean is, 1) either entirely responded, or 2) be in the process of providing documents on a rolling basis that the requester can expect on rely on," Jackson added.

EPA has seen jumps in both the number of requests and the number of lawsuits for failing to act quickly. Rep. Elijah Cummings (D-Md.), the top Democrat on the House Oversight Committee, last week demanded he be allowed to issue subpoenas due to abuses of FOIA.

In a response to Cummings sent Sunday, EPA principal deputy general counsel Kevin Minoli told Cummings and Oversight Chairman Trey Gowdy the agency had been working to clear up a long backlog of requests, including deploying a special team to help an overwhelmed staff in the Office of Administrator to deal with the increase.

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Lead

E&E

Audit faults EPA over schools failure to test for lead

<https://www.eenews.net/greenwire/2018/07/18/stories/1060089503>

Posted: July 18,2018 By: Ariel Wittenberg

Most public schools don't test their drinking water for lead, the Government Accountability Office said in a report released yesterday.

Only 43 percent of school districts tested for lead in drinking water in 2016 and 2017, and when they did, more than a third found elevated levels of the powerful neurotoxin, the federal watchdog found.

But 41 percent of school districts didn't do lead testing in the past two years, and 16 percent didn't know. Altogether, those districts serve 18 million children, the GAO report said.

Lead is particularly dangerous for children. Their bodies absorb lead more readily than adults', and exposure to the toxin can damage their brains.

School drinking water can similarly be particularly at risk for lead contamination, GAO's director of education policy, Jackie Nowicki, explained on the office's "Watchdog Report" podcast.

"The potential for water to leach into the water gets greater the longer it has contact with the pipes, and if you think about school schedules, with time off for weekend or holidays, you have a greater potential for water standing in the pipes, which can increase the risk," she said.

Environmental health advocates have long been critical of EPA standards for lead in drinking water, frequently slamming weak testing requirements.

While EPA's Lead and Copper Rule governs public water systems and requires utilities to test some taps for lead, there is no federal requirement for testing drinking water in schools.

Eight states have set their own lead standards for schools, with 13 more having programs to fund testing by school districts.

In 2006, EPA wrote guidance to help school districts test drinking water, but GAO says, "Many school districts reported a lack of familiarity with EPA guidance, and their familiarity varied by region of the country."

That guidance also uses a different testing protocol than the federal Lead and Copper Rule for public water systems. The guidance sets an "action level" for lead in school drinking water at 20 parts per billion — higher than the Lead and Copper Rule's 15-ppb standard.

Said Nowicki, "The main thing is that that guidance from EPA, portions of it are neither clear nor accurate, and it can make it really difficult for school districts to have good information for them to make informed decisions about the levels, about whether to test and when to test, how much to test, and also about what to do if they find elevated lead in their drinking water supply."

GAO is recommending that EPA update its guidance for schools and coordinate with the federal Department of Education to collaborate on publicizing the guidance and encouraging more schools to test for lead.

It also urges EPA to consider developing a health-based lead standard for school drinking water as part of the agency's revisions to the Lead and Copper Rule.

Legislation

EPA has been working on new lead-in-water standards since 2010. The Obama administration had been on track to propose a new regulation last spring. The Trump administration has repeatedly pushed back that timeline, now saying it expects to propose a new rule in February 2019.

In a letter included in the GAO report, EPA water chief David Ross agreed with many of the watchdog's recommendations.

"While EPA has not yet determined the specific role of a health-based benchmark for lead in drinking water in the revised Lead and Copper Rule, the Agency sees value in providing states, drinking water system and the public with a greater understanding of the potential health implications for vulnerable populations of specific levels of lead in drinking water," he wrote.

GAO conducted its review at the request of lawmakers, including Senate Health, Education, Labor and Pensions Committee ranking member Patty Murray (D-Wash.).

"It is unacceptable that even one child is attending a school with elevated levels of lead — and even more unacceptable that a majority of schools don't even know if their students are at risk," Murray said in a statement yesterday.

She also urged Congress to take up a bill introduced by Sens. Tammy Duckworth (D-Ill.) and Cory Booker (D-N.J.) last summer to require periodic testing for lead in schools and provide resources to monitor lead levels and replace outdated pipes. Duckworth first introduced the "Get the Lead Out of Schools Act" as a House lawmaker in 2016 (E&E Daily, June 22).

She said in a statement that the GAO report "underscores the need for mandatory lead testing in all schools across the nation."

"When families send their children to school, they should not have to worry about the school's drinking water being contaminated with a dangerous neurotoxin like lead," she said.

Public health and environmental activists slammed the Trump administration in the report's wake.

"This report should shock every member of Congress and jolt acting EPA Administrator Andrew Wheeler into action," Environmental Working Group President Ken Cook said in a statement. "In the richest country on earth, none of our children should be attending schools where the drinking water is contaminated with a heavy metal that causes brain damage."

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Science Transparency

ABC News

Environmental, Health Advocates Speak Out against EPA's "Secret Science" Plan

www.google.com/amp/s/abcnews.go.com/amp/Politics/environmental-health-advocates-speak-epa-secret-science-rule/story%3fid=56631373

Posted: July 17th, 2018 @ 4:51 pm By: Stephanie Ebbs

Environment and health advocates are calling on the Environmental Protection Agency to abandon a proposed rule that they say would hurt environmental protections by blocking the agency from using some scientific research in its regulations.

The EPA held a public hearing on its "Strengthening Transparency in Regulatory Science" rule Tuesday, which former EPA Administrator Scott Pruitt said would bar the agency from basing regulations on science where the raw data is not made public -- what Pruitt called "secret science." More than 200,000 public comments have been submitted on the proposal since it was announced in April. Dozens of representatives from groups including the American Lung Association, Moms Clean Air Force, and Union of Concerned Scientists testified against the proposal in the hearing.

When he announced the rule, Pruitt said it would make regulations at the agency more transparent because any study used to write a rule could be replicated. But critics say because many EPA rules are related to protecting health, some of the data that is used in that research can't be released without breaching the privacy of the people involved.

Advocates from health and environmental groups say the rule is vague and would block regulators from citing research into the health effects of pollution, which usually does not release raw data due to privacy concerns.

Michael Halpern, director of the Center for Science and Democracy and the Union for Concerned Scientists, testified that the rule would prevent EPA from carrying out its mission to protect human health and the environment.

"Without the ability to use this scientific information, EPA would be unable to meet its mission and statutory obligations. This proposal would make it significantly harder for EPA to use the best available science to protect the public, including from harmful emissions of hazardous air pollutants, particulate matter and ozone, exposure to dangerous chemicals in commerce, (and) drinking water contaminated with toxic chemicals such as PFAS or lead," Halpern said.

In one example, the director of the nuclear program for the Natural Resources Defense Council said the proposed rule could undercut standards for radiation exposure because the EPA would no longer be able to rely on research on atomic bomb survivors -- because the data is available to other researchers but not the general public.

Matthew McKinzie, director of the nuclear program for the Natural Resources Defense Council, said the rule would exclude important studies about atomic bomb survivors, for example, even though the studies are well-regarded and have been reviewed by other researchers multiple times.

"Implementation of the rule would effectively block the use of such key scientific studies and allow for radiation standards to be either wholly weakened or made functionally meaningless," McKinzie said in his testimony.

The studies McKinzie cites and other health-related studies about issues like smog pollution or chemical exposure often study thousands of individuals monitored for decades, and researchers say they can't publicly release the data because it would not be possible to remove all the personal information or that the research subjects did not consent to make the data public.

Some advocates say the rule isn't actually about transparency but would benefit industry groups who want fewer regulations.

Groups like the Competitive Enterprise Institute, American Petroleum Institute, and the American Chemistry Council say they support the rule and would work with other stakeholders to maximize transparency while working within limitations like information that legally can't be made public because it includes private health information.

A report released by the conservative Competitive Enterprise Institute on Tuesday says the rule is actually more limited than critics say and that the EPA would still be allowed to use research that can't be made publicly available when it is "not feasible" to do so. Angela Logomasini, a senior fellow at the institute who attended Tuesday's hearing, said some of the testimony ignored that other laws like the Safe Drinking Water Act require the EPA to use the "best available science" so it could not ignore studies who use data protected by privacy laws.

"Numerous presenters raised concerns that the transparency rule would somehow prevent EPA from using the best available science, and thereby prevent EPA from making rules to protect public health. Nothing could be further from the truth," said Angela Logomasini, a senior fellow at the institute who attended Tuesday's hearing. "The rule explicitly provides exemptions for science that cannot be released because of privacy concerns," Logomasini said, adding "Perhaps some opponents are actually more concerned that data release will undermine their ideological views about regulation."

But critics, including Democratic lawmakers, said the rule was unnecessary and implied that EPA was previously using science that wasn't already vetted by other researchers.

"The proposed rule perpetuates the incorrect notion that the science the EPA relies on is somehow hidden. It is not," Rep. Suzanne Bonamici, D-Or., said in her testimony. "The EPA would be forced to ignore valuable information discovered during their research because it contains confidential information. This would have chilling consequences for the EPA and every person who benefits from clean air and clean water."

The proposed rule is open for public comment until August 16. An EPA official said in a statement that the agency will consider all submitted comments when updating the rule.

E&ENews

Fans on Science Overhaul Hope it Proceeds after Pruitt

<https://www.eenews.net/climatewire/stories/1060089463/search?keyword=EPA>

Posted: July 18th, 2018 By: Scott Waldman

Scott Pruitt has left the building, but industry and conservative groups hope his plans for overhauling EPA science outlive his tenure as administrator.

At a public hearing at EPA's Washington, D.C., headquarters yesterday, about a dozen speakers showed up to express their support of the proposal. That's compared with more than 70 speakers who opposed Pruitt's plan to restrict which science the agency can use in crafting regulations.

Those in favor comprised representatives of the American Petroleum Institute, the American Chemistry Council, the Heartland Institute, the U.S. Chamber of Commerce and other groups. Most of them accused EPA of bungling regulations and misusing science in the past. Lawyers representing polluting industries spoke in favor of the rule, as did a few researchers who receive industry backing.

"Federal rules that impact millions of people and billions of dollars should be held to a higher standard," said Dan Byers of the U.S. Chamber's Global Energy Institute.

EPA's draft rule would effectively bar the agency from using some studies for developing new rules unless the underlying data were made publicly available. Pruitt; House Science, Space and Technology Chairman Lamar Smith (R-Texas); and other supporters of the policy call it a necessary step to increase transparency.

When Pruitt proposed the plan, he said it was the "agency taking responsibility for how we do our work." EPA officials said it was consistent with the policies of major scientific journals, including *Science* and *Nature*. But the editors of all the journals stated that the EPA policy was not consistent with their policies.

Acting EPA Administrator Andrew Wheeler recently said he supported the proposed rule, although he left open the possibility that it could be tweaked before it is finalized.

"I don't know if the final is going to look exactly like the proposal," he told E&E News last week. "We're receiving comments; the comment period is still open, and we can't prejudge any of that. But fundamentally, I do believe that the more information you put out to the public, the better the regulatory decisions will be and the better understood the regulatory decisions will be by the public."

Another who spoke in favor of the rule at yesterday's hearing was Kimberly White, a senior director at the American Chemistry Council. She is also a member of EPA's Science Advisory Board, although she did not note that when she spoke at the hearing.

"The utilization of objective, transparent and modern scientific approaches to draw conclusions regarding human health risks is critical to developing sound regulatory decisions," she said. "Throughout the EPA, the application of scientific information that underpins regulatory activities has often been inconsistent and unclear, leading to concerns about how the agency incorporates the best available science to evaluate the quality of that science and applies 21st-century knowledge concerning cause and effect."

White then attacked a major study on formaldehyde, citing research funded by a foundation connected to the American Chemistry Council. Public health experts have cited that study as a "poster child" for how industry will exploit public data in an attempt to discount research (*Climatewire*, May 1).

The Science Advisory Board, which Pruitt filled with more industry officials, including White, voted in May to review the proposal. Members of the board, which is led by a Pruitt appointee, say the agency did not consult with them in crafting the plan to learn about its potential effects, and many found out through media reports. At that May meeting, White suggested that the rule be implemented while the board weighed its merits.

The vast majority of those speaking at the hearing yesterday said they were opposed to the policy.

They referred to it as "rushed," "secretive" and a "coordinated effort to ignore science." A nurse swapped shifts so she could speak, a nuclear physicist noted that it would exclude data obtained from atomic bomb survivors in World War II, and multiple speakers said it would insert politics into science. Some speakers called the plan a solution in search of a problem and said it would gut the agency's ability to regulate pollution (*Greenwire*, July 17).

Within the field of science, there has been a yearslong discussion about how to better disclose data and improve transparency. However, some groups attempted to portray that effort as an endorsement of Pruitt's proposed science transparency rule, which has been soundly rejected by the nation's major scientific organizations. The proposed rule favors industry research, critics have said, and even provides exemptions for keeping some industry research data private if it is classified as "confidential business information."

One of the architects of the rule, Steve Milloy, an attorney who has worked for the tobacco and coal industries, said that it was designed to go after epidemiological studies, such as the "Harvard Six Cities" study, conducted by Doug Dockery, and an American Cancer Society study showing air pollution risks, conducted by Arden Pope of Brigham Young University.

"Independent review of the Harvard Six City and American Cancer Society line of studies would prove them to be highly problematic, embarrassing or even fraudulent," Milloy said. "Desperate to defend the indefensible, supporters of Dockery and Pope have wrongly maintained that making the data in question public would violate medical and personal privacy rights."

In fact, the studies have been reanalyzed and held up to scrutiny. What's more, many studies in the decades since their publication have found human health risks from air pollution.

An official with the American Petroleum Institute, which has funded research that suggests air pollution is not fatal to human health, said the proposed rule should go beyond its original intention. Ted Steichen, a senior policy adviser at API, said it should apply to federally funded research, agency research and independent research used to craft regulations. It should also apply to economic calculations used to quantify public benefits and costs of regulations, he said.

"Transparency and reproducibility should also apply to underlying data and information, such as environmental and economic impact data and models that are utilized to predict costs, benefits, market impacts and/or environmental effects of specific regulatory interventions," he said.

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Politico

Critics: EPA science policy is out of tobacco playbook

<https://subscriber.politicopro.com/energy/article/2018/07/critics-epa-science-policy-is-out-of-tobacco-playbook-692587>

Posted: July 17, 2018 at 5:57pm By: Emily Holden

Public health advocates opposing EPA's new science policy are seeking to frame it as a repeat of the tobacco industry's discredited attacks on the research surrounding secondhand smoke.

Dozens of speakers from medical and environmental groups at a public hearing Tuesday said the agency's proposal to bar science that doesn't have publicly available data would make it impossible or incredibly expensive to conduct

research that EPA would consider in writing regulations. They argued it could also undermine study participants' trust and have a chilling effect on what kind of science health experts could pursue.

The result: EPA would begin to ignore critical information about how pollutants harm people, said the rule's critics, who vastly outnumbered supporters.

"In short, we believe this policy is not in the best interest of our profession, the patients that we serve or the public health," said Meredith McCormack, a physician-scientist with the American Thoracic Society. "The focus on transparency is highly reminiscent of the rhetoric used by the tobacco players decades ago."

McCormack said tobacco industry documents showed companies trying to set up procedural hurdles for what science the government could consider, and also used language similar to EPA's proposal around transparency, sound science and reproducible science.

The change could weaken air quality standards in the near-term, as EPA reviews rules for ozone and particulate matter, and could slow regulations long-term, said Paul Billings, senior vice president of advocacy for the American Lung Association.

"If you didn't know that particulate matter led to premature death and EPA had not evaluated that science, what would happen because of that?" Billings said outside the meeting room at agency headquarters. "We could see a path where less information would then mean that you have weaker standards and weaker cleanup."

Three Democrat lawmakers — Reps. Paul Tonko of New York, Suzanne Bonamici of Oregon and Dan Lipinski of Illinois — also appeared in opposition to the proposal.

Officials from Minnesota — John Stine from the Pollution Control Agency and Paul Allwood from the Department of Health — asked EPA to immediately suspend the proposal.

Without studies on chemicals used at 3M manufacturing sites, the state wouldn't have been able to successfully sue on behalf of affected residents, they said. Without research used in computer models for pollution, they wouldn't know how many people in the Twin Cities die prematurely or are hospitalized because of dirty air, they said.

Stine said after his statement that the state will seek a meeting with acting EPA Administrator Andrew Wheeler.

The science rule was a priority for former Administrator Scott Pruitt, who promoted the proposal in interviews with conservative media outlets, although its progress has already begun to slow, with EPA reclassifying the regulation to require a greater level of internal review. Wheeler has said he will take a "hard look" at the proposal, and some groups hope his biology background might prompt him to scrutinize it more closely.

The draft rule's critics also maintained that peer review ensures that study data is valid, even if the data itself is not publicly available.

Community-based health researchers argued that the rule might deter valuable science.

Pamela Miller, executive director of Alaska Community Action on Toxics, said the proposal would prevent EPA from using her group's research on how toxic chemicals affect Arctic indigenous peoples.

"This information is considered protected information, medical information, because we're collecting information about health, about demographics, about behaviors in the home and community," Miller said. The group's research has been instrumental in informing how military operations are cleaned up, she said.

The handful of the proposal's supporters who appeared at the meeting argued that for epidemiological studies, researchers could make their data available while shielding the identities of participants.

Dan Byers, senior policy director for the U.S. Chamber of Commerce's Global Energy Institute, said many of EPA's claimed monetary benefits from regulations are based on particulate matter studies that didn't have public data.

Still, EPA's policy change could pose problems for businesses depending on how it is crafted.

The Chamber said it is "paramount" that EPA adhere to requirements to protect proprietary data and confidential business information, as well as participant privacy. The group noted that Wheeler would have special authority to exempt certain studies from the new requirement, and said EPA should develop systematic guidance for how that would work.

The American Petroleum Institute said any data used in EPA policymaking should be transparent, reproducible and publicly available "to the extent possible, and consistent with the protection of other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections."

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Officials

E&E News

Archives calls for review of Pruitt's calendar

<https://www.eenews.net/greenwire/2018/07/18/stories/1060089515>

Posted: July 18, 2018 By: Kevin Bogardus

The National Archives and Records Administration has requested that EPA address allegations that former Administrator Scott Pruitt's calendar was scrubbed of select meetings.

Chief Records Officer Laurence Brewer sent a letter last week to EPA detailing media stories that said Pruitt's aides removed meetings from his schedule that could play poorly with reporters.

"NARA is requesting that EPA provide us with a response within 30 calendar days indicating the specific actions EPA will take to address these allegations," Brewer said.

If the agency determines that "an unauthorized disposition" of records has happened, EPA is required to submit a report to the National Archives, which should address whether those records can be recovered and what steps EPA will take to stop future alterations of records.

Asked for a response to the letter, an EPA spokesman said, "EPA recently received the letter and understands its response is due by the second week of August.

"We are preparing a full response addressing any misinformation and describing EPA's archival process," said the spokesman.

CNN reported earlier this month about alleged changes made to Pruitt's calendar. Kevin Chmielewski, the former deputy chief of staff for operations at EPA who left the agency after clashing with Pruitt, said there were several versions of Pruitt's schedules, including one that only a few aides ever saw.

EPA has disputed those allegations, saying there were "no secret calendars or schedules," according to a spokesman.

Pruitt's schedule has also attracted scrutiny from lawmakers. Democratic Reps. Don Beyer of Virginia and Ted Lieu of California have sent a letter to the EPA inspector general requesting a review of the allegations that the former administrator's calendar was altered (Greenwire, July 5).

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Ozone Pollution

Bloomberg Environment

Most of San Antonio Region off the hook for ozone Pollution

<https://bna.com/news/environment-and-energy/most-of-san-antonio-region-off-the-hook-for-ozone-pollution>

Posted: July 18, 2018 at 12:54pm By: Amena Saiyid

Bexar County, Texas, will need to take extra steps to clean up air pollution, but the EPA found most of the San Antonio region has met federal requirements for ozone.

The Alamo Area Council of Governments, which includes San Antonio, successfully persuaded the Environmental Protection Agency that the city and its surrounding eight counties that ozone forming pollution was blowing into the region from Mexico and other parts of the state. Controlling cross-border pollution was beyond their control, they said.

The EPA said Bexar County is well on the way to meeting the 2015 federal ozone pollution standards by 2021 despite its designation as exceeding the requirements.

“Analysis from Texas about the role of international emissions, including from Mexico, and the pending closure of a coal-fired power plant in Bexar County will help ensure that implementation of this standard has minimal burdens on economic development,” Acting EPA Administrator Andrew Wheeler said in a statement.

Ground-level ozone forms when nitrogen oxides and volatile organic compounds—both air pollutants formed when fossil fuels are burned—react in the presence of sunlight. Even at low levels, ozone can cause respiratory problems, especially in children, people with asthma, and older adults.

San Antonio has been in a bind since late April when the EPA said it would decide by July 17 about the city’s compliance status under the ozone standards set in 2015 after reviewing additional air quality monitoring data submitted by state and local air quality agencies. City and county officials have argued the region doesn’t deserve a noncompliance label because the designation would force them to impose additional controls on motor vehicles and factories.

The city’s modeling data, which the Alamo Area Council of Governments shared with the EPA, revealed that 79.5 percent of ozone pollution on moderate or bad air quality days was caused by smog-forming emissions from both domestic and international sources transported to the San Antonio region from elsewhere. More than 38 percent of the pollution from days where ozone level exceeded 60 parts per billion—the EPA standards are 70 parts per billion—is attributable to pollution from other countries.

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RFS

Bloomberg Environment

Trump’s EPA to get biofuel comments it didn’t ask for at hearing

<https://bna.com/news/environment-and-energy/trumps-epa-to-get-biofuel-comments-it-didnt-ask-for-at-hearing>

Posted: July 18, 2018 at 8:55am by: Mario Parker

President Donald Trump’s administration can expect to be pulled deeper into the fight between Big Corn and Big Oil at a public hearing scheduled to be held on the biofuels mandate July 18 in Michigan.

The Environmental Protection Agency will hold a hearing on its most recent proposal that set targets for how much ethanol and biodiesel oil refiners will be required to use next year. The meeting comes about two weeks after former

administrator Scott Pruitt's resignation, an exit that was lauded by the biofuel industry which had contended that Pruitt undermined the program. Oil refiners, on the other hand, have said the mandate is too expensive.

A long-standing fight between two of Trump's constituents—blue collar oil workers and rural farmers that produce the crops used in biofuel—deepened this year after reports that the EPA granted waivers to small oil refineries, allowing them to side-step biofuel regulations. Thirty-three small refineries asked for exemptions in 2017, and 29 of those were granted, EPA Assistant Administrator Bill Wehrum said in a July 12 letter to Sen. Charles Grassley, an Iowa Republican.

When the EPA announced its latest proposal last month, it backed off a plan to force large refineries to blend more biofuel to make up for the waivers. It also said that allowing public comments about how to reallocate the targets would be beyond the scope of current rule making. But, the agency could end up getting feedback anyway.

While the July 18 hearing to be held in Ypsilanti, Mich., is nominally on the EPA's proposed quotas, it's likely to turn into a forum for a much bigger debate over the Renewable Fuel Standard. A broad regulatory redesign of the program could begin later this year.

The Fueling American Jobs Coalition, which represents oil refiners, has defended the EPA's issuance of waivers, saying that its following the law. It has also argued that the mandate threatens refinery jobs.

Jed Smith, operations manager at Rio Valley Biofuels, an El Paso, Texas-based biodiesel producer, said he plans to tell regulators at the hearing how he's had to cut hours and that it's led to him losing employees.

"I feel it in my pocket," Smith said by telephone July 17. "I can't expand. "You can make America great again and Big Oil strong, but pull the rug from under biodiesel. The uncertainty in this industry is appalling."

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